IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Application No. 9674 of 2003
In
Writ Petition No. 945 (M/B) 2003

M/s Safeena Enterprises Company,
106-Shimla Road, Dehradun
through its partner Moh. Khalid .....Petitioner

Versus

State of Uttraranchal,
through its Secretary,
Water Resources, Civil Secretariat,
Dehradun and another. ....Respondents.

Sri B.P. Nautiyal, Advocate for the petitioner,
Sri K.P. Upadhyaya, Standing Counsel for the respondent No. 1.
Sri P.S. Rawat s/b Sri D.S. Patni, Advocate for respondent No. 2.

AND
Civil Misc. Application No. 9675 of 2003
In
Writ Petition No. 946 (M/B) 2003

M/s Safeena Enterprises Company,
106-Shimla Road, Dehradun
through its partner Moh. Khalid .....Petitioner

Versus

State of Uttraranchal,
through its Secretary,
Water Resources, Civil Secretariat,
Dehradun and another. ....Respondents.

Sri B.P. Nautiyal, Advocate for the petitioner,
Sri K.P. Upadhyaya, Standing Counsel for the respondent No. 1.
Sri P.S. Rawat s/b Sri D.S. Patni, Advocate for respondent No. 2.

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal. J.

Date: 21.10.2003:

PC:-

Rule.

Respondents waive service.

Since both the writ petitions raise common question of law and fact, hence, both the petitions are decided by this common judgment.

In view of the judgment of the Allahabad High Court in the case of Tajveer Singh Vs. State of U.P. reported in 1997(29) ALR 687 the petitioner was liable to pay fixed stamp duty at the rate of Rs. 100/- only and not the stamp duty calculated on ad valorem basis. The excess amount is ordered to be refunded to the petitioner by respondent No. 2 within four weeks from today.

Accordingly, both the writ petitions are allowed. No order as to costs.

(M.M. Ghildiyal. J.) **(S.H. Kapadia, C.J.)**

HN